



1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION

OF: ZOCHER ET AL.

CONFIRMATION No.: 8285

SERIAL No. 10/031,702

GROUP ART UNIT: 1652

FILED: JANUARY 23, 2002

EXAMINER:

CHARLES L. PATTERSON JR

FOR: EPOXIDE HYDROLASE FROM STRPTOMYCES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

April 02, 2004

Date of Deposit

Sabine Berg

Person Making Deposit

Signature

April 02, 2004

Date of Signature

Honorable Commissioner

for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

In reply to the Notice of Non-Compliant Amendment which issued on March 31, 2004, it is respectfully requested that the following remarks be considered:

The Notice asserts that applicants' reply dated January 16, 2004 (date of the Certificate of Mailing; marked as Paper No. 06), fails to comply with the requirements of 37 C.F.R. §1.121 because "The Office no longer except marked up version"¹).

It is respectfully submitted that applicants and their representative are unaware of any changes in Rule 121 which supercede the version of Rule 121 as amended on June 30, 2003²), or any official notices which support that the U.S. PTO no longer accepts marked versions of claims.

1) Handwritten remark in Subsection 4.E. of the Notice.

2) Copy enclosed.

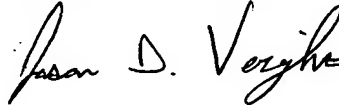
Moreover, in accordance with Rule 121 as amended last year, claim amendments have to be presented in form of a claim listing³⁾ showing the changes by markings⁴⁾ and indicating the the status of the claims. Applicants herewith submit a **copy of Appendix I**, pages 8 to 11, of **Paper No. 06** which bears the title "*The Listing of Claims (version with markings)*". The claims are listed in ascending order, indicating the status, and -where a claim is indicated as "*currently amended*"-marking the changes. The respective Listing is deemed to fully comply with the requirements of current Rule 121(c).

In light of the foregoing and the attached the Notice is deemed to have been issued in error. Early action is solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Jason D. Voight

Reg. No. 42,205

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Encl.: Copy of 37 C.F.R. §1.121
Copy of pages 8 to 11 of Paper No. 06

HBK/BAS

3) Rule 121(c)(1)

4) Rule 121(c)(2)